

08/25/00
JC917 U.S. PTO

08-28-00

Box Seq A

Attorney Docket P2533C1
PATENT

JC586 U.S. PTO
09/648183
08/25/00

CERTIFICATION UNDER 37 CFR 1.10

EM 168 884 744 US: Express Mail Number

August 25, 2000: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Aida M. Guiany
Aida M. Guiany

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

David Botstein,
Audrey Goddard
David A. Lawrence
Diane Pennica
Margaret Ann Roy
William I. Wood

Title: **CARDIOTROPHIN-1 COMPOSITIONS AND METHODS FOR THE TREATMENT OF TUMOR**

1. **Type of Application**

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. __, filed __, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☒ continuation ☐ divisional application claiming priority to Application Serial Number 09/234,730, filed 21 January 1999, which is a non-provisional application of Application Serial No. 09/033,114, filed March 2, 1998, which is a continuation of U.S. Application Serial No. 08/733,850 filed October 18, 1996, now abandoned, which is a continuation of U.S. Application Serial No. 08/443,129 filed May 17, 1995, issued May 6, 1997 as U.S. Patent No. 5,627,073, which is a divisional application of U.S. Application Serial No. 08/286,304 filed August 5, 1994, issued November 5, 1996 as U.S. Patent No. 5,571,893, which is a continuation-in-part of U.S. Application Serial No. 08/233,609 filed April 25, 1994, issued July 9, 1996 as U.S. Patent No. 5,534,615, and to U.S. Provisional Application Serial No. 60/113,296, filed December 22, 1998, the entire disclosure of which is hereby incorporated by reference.

09648183-082500

a

2. **Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)**

61 pages of specification
2 pages of claims
1 page(s) of abstract
13 sheet(s) of drawings
☐ formal ☒ informal

3. **Declaration or Oath**

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)
 ___ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)
x A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)
 ___ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. **Assignment**

(for new and CIP applications)
 ___ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

(for cont./div.)
x The prior application is assigned of record to Genentech, Inc.

5. **Amendments (for continuation and divisional applications)**

x Cancel in this application original claims 1-23 of the prior application before calculating the filing fee.

x A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

X Amend the specification by inserting before the first line the sentence:

--This is a

___ non-provisional application
X continuation
 ___ divisional
 ___ continuation-in-part

005280" EET 84960

AI
Cmt

69

a

of co-pending application(s)

- ☒ Serial No. 09/234,730 filed on 21 January 1999, which is a non-provisional application of Application Serial No. 09/033,114, filed March 2, 1998, which is a continuation of U.S. Application Serial No. 08/733,850 filed October 18, 1996, now abandoned, which is a continuation of U.S. Application Serial No. 08/443,129 filed May 17, 1995, issued May 6, 1997 as U.S. Patent No. 5,627,073, which is a divisional application of U.S. Application Serial No. 08/286,304 filed August 5, 1994, issued November 5, 1996 as U.S. Patent No. 5,571,893, which is a continuation-in-part of U.S. Application Serial No. 08/233,609 filed April 25, 1994, issued July 9, 1996 as U.S. Patent No. 5,534,615, the entire disclosure of which is hereby incorporated by reference, which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120, --
- ☐ International Application filed on which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--
- ☒ and to provisional application No. 60/113,296 filed 22 December 1998, the entire disclosure of which is hereby incorporated by reference and to which application priority is claimed under 35 USC §119.--

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$690.00
Total Claims	7	- 20 =	0	X \$18.00	\$0.00
Independent Claims	1	- 3 =	0	X \$78.00	\$0.00
Multiple dependent claim(s), if any				+ \$260.00	\$0.00
Filing Fee Calculation					\$690.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$690. **A duplicate copy of this transmittal is enclosed.**

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

9. Additional Papers Enclosed

005230" EBTB4350

70

a

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☒ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- _____ A copy of the petition for extension of time in the **prior** application is attached.

11. Correspondence Address:

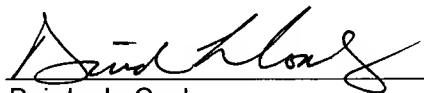
X Address all future communications to:

GENENTECH, INC.
Attn: Deirdre L. Conley
1 DNA Way
South San Francisco, CA 94080-4990
(650) 225-2066

Respectfully submitted,
GENENTECH, INC.

Date: August 25, 2000

By:


Deirdre L. Conley
Reg. No. 36,487

1 DNA Way
So. San Francisco, CA 94080-4990
Phone: (650) 225-2066
Fax: (650) 952-9881

005280-ESTB4960

